

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

DAVID MARK DAVIS II,

v.

**ABIGAIL ENTERPRISES, INC. d/b/a
CENTURY 21 COTA REALTY**

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Civil Action No. 9:17-CV-119-ZJH

**ORDER OF APPROVAL OF SETTLEMENT AND
DISMISSAL WITH PREJUDICE**

On this day, Plaintiff David Mark Davis II and Defendant Abigail Enterprises, Inc. d/b/a Century 21 Cota Realty announced to the Court that they have resolved Plaintiff's claims for relief against Defendant asserted in this case. The Plaintiff and Defendant have sought approval of the Court for the settlement in accordance with authority applying the Fair Labor Standards Act ("FLSA"), and following such approval, dismissal of Plaintiff's claims for relief against Defendant with prejudice and with all attorneys' fees, costs and expenses taxed against the party incurring same.

Plaintiff has alleged herein certain claims and causes of action, including claims for alleged unpaid minimum wages under the FLSA, as well as for wrongful discharge and retaliation, and for injunctive relief and damages arising from his classification while he was associated as a real estate agent with Century 21 Cota Realty. Century 21 Cota Realty has answered; denied all allegations, claims and causes of action alleged in the suit; and has asserted defenses. After review of the Parties' Motion Seeking Approval of Settlement and Dismissal of All Claims with Prejudice, along with the attached Confidential Settlement Agreement and Release and the pleadings in this matter, the Court is of the opinion that the Parties have reached

an agreed, fair and reasonable resolution to a bona fide dispute and that the requested approval and dismissal should be GRANTED.

IT IS THEREFORE ORDERED that the settlement between Plaintiff and Defendant as set forth in the Confidential Settlement Agreement and Release attached as Exhibit A to the Parties' Motion is APPROVED.

Plaintiff's claims for relief against Defendant are hereby DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED that all attorneys' fees, costs of court and expenses shall be borne by each party incurring the same.

SIGNED this 3rd day of January, 2018.



Zack Hawthorn
United States Magistrate Judge